



STATE OF WASHINGTON

STATE BUILDING CODE COUNCIL

128-10th Avenue SW • P.O. Box 42525 • Olympia, Washington 98504-2525
(360) 725-2966 • fax (360) 586-9383 • e-mail sbcc@cted.wa.gov • www.sbcc.wa.gov

MINUTES

STATE BUILDING CODE COUNCIL

Date: October 29, 2009

Location: Renton Holiday Inn Select

Council Members Present: Peter DeVries, Chair; Jon Napier, Vice Chair; Ray Allshouse; John Chelminiak; John Cochran; Mari Hamasaki, Angela Homola; Donald Jordan; Tom Kinsman; Robert Koch; Jerry Mueller; Tien Peng; Dale Wentworth; Representatives Timm Ormsby and Bruce Dammeier; Senator Janea Holmquist

Council Members Absent: Kristyn Clayton

Visitors Present: Dave Cantrell, Chuck Day, Paul O'Connor, Mary Kate McGee, Kate Tate, Kraig Stevenson, Eric Lohnes, Gary Nordeen, Steve Menne, Pete Crow, Annie O'Rourke, Brian Minnich, Todd Short, John Williams, Mike Butler, Tonia Sorrell-Neel, Garrett Huffman, Lee Kranz, Patrick Hayes, Tom Young, Kim Drury, Chuck Murray, Jeff Harris, Cliff Burdick, Lane Walthers, Rich Arneson, Richard Ferry, Julie Nichols, Treasa Sweek, Robert Mack, Ross Wildman, Travis Allen, Tony Lee, Kirk Brooks, Maria Figueroff, Laurie Bischof, Kim Schneider, Mike Wheeler, Tanya Elder, Megan Schrader, Eric Sperline, Jeanette McKague

Staff Present: Tim Nogler, Krista Braaksma, Joanne McCaughan, Sandra Adix

CALL TO ORDER

Chairman DeVries called the meeting to order at 10:05 a.m. Peter welcomed everyone. Introductions were made.

Peter explained that today's meeting is not a public hearing. He said Council members may ask questions of audience members, who may answer on behalf of their constituency.

REVIEW AND APPROVE AGENDA

Tim asked to have Item #14, “Possible Executive Session re: Legal Issues,” moved to just after the lunch break. He said the Council will discuss open public meeting issues that have come up and how to respond to the Legislature about the energy code. Tim also added an interpretation request under “Other Business.” With those changes, the agenda was approved as amended.

PUBLIC COMMENT ON ITEMS NOT COVERED BY THE AGENDA

None received.

STAFF OVERVIEW OF PUBLIC TESTIMONY

Tim said that all written testimony and minutes, containing verbatim transcription of verbal testimony, were posted to the Council’s website. In addition, copies of each were hand carried to today’s meeting.

The purpose of today’s meeting is to review testimony and proposed amendments. Tim referred to a handout entitled “November 2009 Motions to Rulemaking Actions.” He said no motions are anticipated today. They will be made at the Council’s executive session scheduled for November 12 at the City of SeaTac city hall.

The main, or standing, motion is to adopt the proposed 2009 rules that are filed in the following WACs:

- WAC 51-50 International Building Code, including International Existing Building Code
- WAC 51-51 International Residential Code
- WAC 51-52 International Mechanical Code - Options: 1. Integrate VIAQ into IMC
2. Maintain stand-alone VIAQ
- WAC 51-54 International Fire Code, including an appendix chapter adopting the Wildland Urban Interface Code, deemed appropriate for local adoption
- WAC 51-56/57 Uniform Plumbing Code
- WAC 51-11 Washington State Energy Code
- WAC 51-13 Ventilation & Indoor Air Quality Code – see IMC for options
- WAC 51-19 Historic Building Code – currently archaic and obsolete; contained in IEBC

An alternate main motion would be not to adopt these WACs.

Amendments to the main motion include:

Do not adopt the proposed modification to Section ____ of WAC ____.

Amend Section ____ of WAC ____ Provide text of amendment, without strikeouts or underlining, the way you want that section to read.

Tom expressed concern about not using strikeouts and underlining in amendments. He said it's important for the Council to be aware of current law and how amendments affect it. Tim said what is filed in the proposed rule can have additional language that doesn't relate, such as renumbering between 2006 and 2009 code editions. Tom said such amendments as Tim's example are editorial. He said if you were, for example, reinserting and amending horizontal smoke barriers, which are proposed to be struck, amended text that strikes out current law and underlines new language would be helpful. Tim agreed to leave struck out and underlined amended text optional. He said what's important is that the amendment be clear and the Council understand what they're voting on.

Tom said he remembers one year when amendments were not in writing but were made verbally. He said he found that impossible to follow.

Representative Bruce Dammeier asked if an allowable motion is to defer code action to the following year. Tim answered that while it's an allowable motion, the problem is that Council action follows a three-year cycle, with the adoption year being the year that codes are published. Thus if such a motion were made, it would have to be clearly understood that the adoption year is extended to the following year, at which time the Council would enter rulemaking.

International Building Code

Tim called attention to a Draft Cross Reference Table of Building Code Proposals. He said this document cross references the code sections of code change proposals with page numbers on the CR-102. It also shows item numbers off of the existing amendment worksheet and TAG recommendations.

Tim explained the TAG process:

1. Consider significant changes between current (2006) and new (2009) code editions.
2. Consider whether or not all currently existing amendments are included in the new code or still apply.
3. Consider new code change proposals.

Tim said the table of contents of the testimony packet lists issues that arose during the public hearing process.

John Cochran, Chair of the Building Code Technical Advisory Group, said the TAG process was very orderly. There were only a couple of controversial issues. He encouraged Tom to discuss one or two proposals he thought Tom was uncomfortable with.

Tim suggested progressing through the code change proposals based on testimony, because some issues arose during the public hearing process that need to be addressed.

Seattle DPD changes

Tim called attention to comments made by the Seattle Department of Planning and Development on page 4. He said these changes are editorial in nature, correcting 2006 language and cross references used in the rulemaking document. John Cochran agreed the Seattle DPD's changed on page 4 are editorial.

Exception to Section 105.3.1

Tim then referred to page 20, a letter from Weber Thompson. This letter is submitted in opposition to a new exception to Section 105.3.1, requiring Department of Health authorization to begin construction of licensed facilities (hospitals, hospice care, boarding homes, nursing homes, residential treatment facilities and ambulatory surgery centers) before issuance of a building permit.

Tom said he has concerns about this code change proposal. He said the basic problem is that the Department of Health doesn't recognize local interpretations or local amendments. Essentially the proposed code change is that a building official cannot issue a permit "unless it's been blessed by the Department of Health."

Tom said there is enormous pressure on a development project to proceed quickly. This code change proposal requires designers and developers to deal with state and local authorities at the same time over code interpretation discrepancies. Tom believes doing so is a mistake. He thinks it's a formal injection of a state agency into a local building permit process.

Tim noted this proposal is located on page 2 of the printed rulemaking document. The original version was amended by the Building Code TAG. The heading for Section 105 should read "Permits" instead of "Institutional Group 1." Staff will make that editorial change.

Peter said Leavenworth is presently experiencing delays in the construction of a new clinic and hospital because of controversies between the Department of Health and the local building

official. Expressing interest in seeing an amendment from Tom, Peter agreed that it's a problem that needs to be resolved.

Representative Dammeier asked two questions. First, if the Building Code TAG views this code change proposal as slowing down the process. And second, if there was compelling testimony presented to the TAG to justify this code change. John Cochran answered no to the first question, because he didn't believe the two sides were aware that the process would be slowed. Representative Dammeier asked for confirmation that the thought was that this code change proposal might streamline the permitting process. John agreed.

Tom repeated that his concern is that the proposal forces both jurisdictions, state DOH and local, to be satisfied before a certificate of occupancy is issued. He said certain types of work can proceed, such as foundations and excavation, before resolution of controversies between the jurisdictions. Tom's concern is that the proposal forces resolution in an untimely way for the developer.

Smoke Barriers

Tim said these are in Items 407 and 712. In the rulemaking document, on page 9 is Section 407.4.3 and on page 15 is Section 712.9. He said both the TAG and the proposed code change recommend nonadoption of these sections.

New provisions in the 2009 IBC that require smoke barrier assemblies in Group I-2 hospitals, hospice care and nursing home facilities were supported in testimony from the Smoke Safety Council and the City of Bellevue. John Cochran said they were concerned about vertical smoke migration.

Tim said a DOH proposal, however, recommends not approving. John Cochran agreed, saying DOH was concerned that smoke barriers in doors and elevators would inhibit the evacuation process, particularly for immobile patients.

Jon Napier questioned how the Council can approve these sections. He said doing so would not fit any of the five elements on which Council decisions are supposed to be based. He said it would remove an important element from the horizontal assembly.

John Cochran said he believes the International Code Council is looking at the smoke barrier issue on the national level. Jon said ICC action will be known by December.

John Chelminiak asked if a motion is required on November 12 to reinstate the sections. Tim said the motion would be to not adopt the proposed state amendment.

Existing Building Code

Tim said testimony was received about errata that exists in the IEBC. Since errata is published as part of the code, it was basically a heads up.

Energy and Existing Buildings

Will be addressed under the energy code.

Allowable Stress Design

Tim said a number of comments were received on this issue and Chapter 21 provisions, from the masonry industry and from the structural engineers association. All the testimony was positive. Tom said SEAW is supportive of the masonry industry maintaining the one-third stress increase. He said there is good data showing that the design increase is very, very safe.

Tom said the SEAW committee didn't agree on an earthquake issue about ties in masonry veneer. A current state amendment permits masonry construction without the ties. There is a controversy within the engineering community about how effective wire ties are, whether or not they're cost-effective. Representing structural engineers, Tom thinks Washington should stay with model code language requiring ties until the national debate is concluded. Tom said the applicable section is 1405.6.2. It's on page 32 of the CR-102 document. Tom will propose an amendment on this.

Carbon Monoxide Alarms

Jon said this issue arose in SB 5561. Public testimony was about when carbon monoxide alarms would be required in existing homes and the fact that alarms are required only in sleeping units or houses that have no fuel-fired appliances and an attached garage.

Problems that Jon's aware of have occurred when people have brought BBQs and generators inside homes when the electricity goes out in storms. Such incidents were really the impetus for the legislation last session.

Steve McDonald of Vashon suggests, as outlined on pages 65 and 66, that the Council strike “fuel-fired appliances and in dwellings that have attached garages.” The effect of doing so would be to expand the scope of these alarms to all residences, independent of fuel source and an attached garage.

John Chelminiak noted that carbon monoxide poisoning may cause death, but it more often causes severe mental damage. He suggested, after wrestling with the issue, the Council may wish to “flag for further consideration.”

Tim said the proposal in the building code is on page 16 of the CR-102. It’s also in the fire code and the residential code. The language that Steve McDonald wants deleted comes from the model code. SB 5561 says the Council may exempt certain categories of residential buildings from the carbon monoxide alarm requirement. Covered occupancies in the IBC, IFC and IRC are R1, R2 and R3, including hotels, motels, apartment houses and single-family dwellings.

Tim referred to a letter from the Washington Multifamily Housing Association on page 74. They are concerned with the definition of “attached garage,” because multifamily structures have a parking garage that’s part of the structure. In addition, a number of letters were received from legislators, urging the Council to consider the effective date of the proposal for existing buildings and move January 1, 2013 forward. Finally, another concern was maintenance and replacement of batteries by tenants in multifamily housing. Maintenance is not addressed in the proposal.

Senator Janea Holmquist said she serves on the Senate Labor and Commerce Committee, which worked SB 5561. She said the date 2013 was specifically picked to allow people enough time to get on board. She doesn’t agree with adjusting that date.

Allowable Area in Buildings

Tom said this issue is in Section 506.1.1. It’s on page 11 of the CR-102 document. He recalled this issue wasn’t discussed before the Building Code TAG.

Section 506.1.1 was amended in the 2006 edition of the IBC to exclude the basement from being included in the allowable area of a building. That was consistent with the UBC. Most below-grade floors are parking garages.

Because the 2009 code deletes that particular section due to other changes, Tom said he will propose an amendment to maintain the exemption for basements not being considered as part of

buildings' allowable area. He said virtually all below-grade structures are reinforced concrete and are sprinklered. Most are parking garages.

John Cochran said he recalls the 2009 IBC separating basements from levels above “a little more effectively” in Chapter 5. Tom said the entrances to parking garages make penetrations in the three-hour separations between above and below-grade structures problematic.

Jon asked which of the five criteria by which the Council evaluates state amendments relates to Tom's amendment. He cautioned Council members to always keep those five criteria in mind. Tim noted those criteria are:

- Addressing life safety;
- Addressing a specific state policy or statute;
- Providing consistency with state or federal regulations;
- Addressing a unique character of the state; or
- Correcting errors or omissions.

There is additionally some policy and objectives criteria the Council should consider when reviewing code changes.

John Cochran said the separation between the building above and the building below acknowledges one of the significant changes in the 2009 IBC. He thinks it will be used a lot by architects. Tom agreed. But he thinks it was an oversight of the TAG.

Automatic Door Closures

Tom said he has some concerns about Section 715.4.8, relating to door closures in R-2 occupancies, such as boarding homes. The proposed amendment allows, if a boarding home meets all the standards of the IBC and IFC for an I-2 occupancy, nursing homes or hospitals, and meets staffing requirements of a skilled nursing facility, that home doesn't have to provide automatic closures on corridor doors. While that code change makes sense in the one instance of an R-2 boarding home near Port Angeles, Tom said it “muddies up the IBC with a local amendment that has no practical application in other cases.” He thinks the fire official should have the power to make the decision whether or not automatic door closures are required in a boarding home.

Jon disagreed, saying the issue can't be amended at the local level. Angie asked Tom if he's suggesting that the amendment be stricken. Tom said, from a practical standpoint, if the Sequim boarding home meets all the provisions of an I-2, its occupancy classification should be changed at the local level to I-2, because then automatic door closures aren't required. Tim noted that since the boarding home is licensed as an R-2, the local official doesn't have the choice to

reclassify it. The owners of the facility may change the terms of their license from R-2 to I-2. Then instead of a boarding home, they'd be a nursing home. Jon said they don't want to do that.

Accessibility in Existing Buildings

Tom said this is Section 3411.8.8, found on page 47 of the CR-102. Model code language provides that in existing multifamily buildings where 20 units are added, provisions for Type A units apply. Thus higher standards for accessibility must be met, including spatial requirements, changes in the bathroom and passageways throughout the unit.

The proposed code change adds "altered" to the "added" of model code language, making Type A requirements apply to both added and altered units. Tom objects to modest alterations triggering the need for Type A accessibility requirements.

Tom said the person who proposed this code change also presented it at the national level. He supports this as a model code change, but wants Washington to wait for national action.

Tom said the 2006 IBC requirements for Type A units covered altered as well as added units. But he said the reference to altered was deleted somewhere in the transition from 2006 to 2009 code editions. So the Building Code TAG recommended reinstating the reference to "altered."

John Cochran said it's a dilemma for developers and building officials. High-rise condominiums have to include a certain number of Type A units. Those units are difficult to sell or rent. Developers find it much easier to sell units that don't meet the higher standards for accessibility.

International Mechanical Code (IMC) / Ventilation & Indoor Air Quality Code (VIAQ)

Tim said the Council has two options before it:

1. Integrate the VIAQ into the IMC; or
2. Maintain the VIAQ as a stand-alone code.

Mari Hamasaki said testimony received by the Mechanical Code TAG related to environmental air. She said the TAG proposes two amendments addressing venting, defining "environmental air" and determining where to place vents.

Tom spoke in support of an amendment by Lee Kranz, Bellevue, which deletes a limitation in another proposal, originally from the City of Seattle, that the discharge point of exhaust air from

a parking garage has to be 10 feet above grade. Lee's amendment provides more flexibility for building design.

Krista added an editorial correction, regarding correlation with Section 1203 of the IBC, needs to be made, as pointed out by Maureen Traxler, Seattle DPD.

Mari said another provision, in Section 504.6.4.1 on page 19 of the CR-102, relates to dryer exhaust ducts being mechanically assisted. The TAG recommends moving that proposal forward.

International Fire Code (IFC)

Means of Egress

Jon said the first proposal deals with Chapter 46 on page 52 of the CR-102. Chapter 46 is a new chapter to the fire code, but only because its location has changed in the code. It is a compilation of requirements for existing buildings that were previously scattered throughout the IFC. A significant change between code editions was the removal of the means of egress section.

Jon said even though Chapter 46 is very long, there is only one new sentence proposed to be added. That involves adding an exception for means of egress conforming to the requirements of the building code under which the building was constructed and not requiring compliance of Section 1030 with 4604.2 and 4604.21 if deemed appropriate by the fire code official. The text is almost verbatim from the 2006 IFC. Every attempt was made to not change the intent of the section, which is to establish a minimum level of safety for egress.

Tom said he may propose an amendment. He was not aware of the extent of IFC requirements for existing buildings before Don Breiner's work. While he doesn't want to undercut previous IBC and IFC general provisions that give building officials and fire officials the authority to act in hazardous circumstances, Tom objects to that concept being expanded to include retroactive requirements for existing buildings. He thinks it's very problematic to expand local authority in the 2009 IFC to set standards for existing buildings, when the entire International Existing Building Code document and Chapter 34 of the IBC currently address existing building.

Tom said local fire officials are not actively enforcing Chapter 46. Drawing a parallel with sprinklers in nightclubs, he said individual building owners will have a very difficult time with Chapter 46 as written. Tom said this is a significant change between the Uniform and International codes, that warrants debate.

Jon invited Kraig Stevenson, ICC, to address how the codes are trying to address existing buildings. Kraig said while ICC recognizes there are tweaks that need to be done in the IEBC to clarify how Chapter 46 of the IFC correlates, its first task was to identify all existing retroactive provisions in the fire code and locate them in one place. The next code cycle will clarify how the codes interact.

Tom said the exceptions to some IFC provisions are not as extensive as those in the IBC today. He believes ICC has made a big error in how it's progressing. He said if IFC language allows fire officials to wrestle with building owners about something that has been inspected and allowed for 50 years, that causes a big problem. He said there was no debate when Washington State switched from the Uniform to the International codes. Kraig said he has been assured by ICC staff that a number of the provisions were retroactive from the 1997 UFC. So many of those provisions carried over and got into the International codes because they were in the Uniform codes. However Kraig thinks it's totally appropriate for the Council to debate how the International set of codes balance with Washington's public policy issues and statutes. He said it's impossible for model codes to adapt to 50 different state subtleties in regulatory and statutory structure.

Kraig said some of the provisions of Chapter 46 of the IFC have been identified as mitigation, particularly means of egress and unenclosed multistory shaft. He said the proponent acknowledged that 100 percent was not always possible.

Representative Dammeier asked Tom why he advocates debating Chapter 46 at a later date rather than this year. Tom said debate needs to be at the TAG level. TAG work has been completed this year.

Angie asked who prepares the safety evaluation. Tom answered that an inspector would see an egress problem while doing an annual inspection. He would inform the owner that he must comply with the provisions of 4604 or, alternatively, have a full analysis done of the building, including a life safety report recommending how the problem can be mitigated. Tom said a life safety report identifies all problems. Angie suggested putting the life safety evaluation in the definitions section, defining exactly what is involved and who does it.

Jon said this isn't a new requirement. It's been in the state code for almost five years. No problems have occurred in Jon's jurisdiction.

Tim said the nightclub issue was moved from Section 903 to Chapter 46. In addition, the date was changed from December 1, 2009, as specified in the legislation, to July 1, 2010. He suggested retaining the December 1, 2009 date that was in the legislation. Jon said it should have been taken care of in advance of the 2009 code.

Tom said at a previous meeting concern was raised about the Wildland Urban Interface Code (WUIC) effectively prohibiting construction on certain property. He said that's basically regulatory "taking." Tom said he doesn't believe the state should recommend a code for local adoption that could result in legal action by prohibiting an individual from building on their property. Such cases may be rare, where setbacks and terrain prohibit construction on a particular property, but Tom asked the Council to consider an amendment allowing the local fire official the authority "to make considerations in such cases." Tim said Tom's referring to "nonconforming defensible space." Angie drew a parallel to the "critical area ordinance." She said it's appropriate to address the life safety issue first. Areas such as Tom's concerned about would be reviewed on the local level, with mitigation, unless the local official deemed it unbuildable.

Angie said she doesn't consider it to be a "taking."

Jon said this issue was first brought up by the Central Washington Master Builders during the TAG process. He doesn't think it's a problem. The issue was discussed at length during TAG meetings. The unique thing about the WUIC is that it's only applicable in those areas that the adopting jurisdiction identifies as an interface area. So that's a limitation. Then within those areas, the local jurisdiction identifies extreme hazard areas, based on annual rainfall. So actual unbuildable areas are quite small. And there is lots of flexibility at the local level. It's a tool for local jurisdictions to deal with very unique and very hazardous areas.

Tim added that a letter was received from the exhaust cleaning association advocating for a National Fire Protection Association standard in Chapter 11. Jon referred to page 28. He said ongoing maintenance and inspection language was deleted because the TAG felt NFPA 96 would conflict with IMC requirements.

Representative Dammeier sympathized with the Kittitas landowner wanting relief or an exemption to allow for the creation of defensible space. Jon said landowners would have to work with their local fire code official, who has flexibility in using the table. Other options of landowners include tank/pump systems, wells and holding tanks.

Joanne McCaughan pointed out that the NFPA standard appears on page 61. Tim said a date is still needed.

International Residential Code (IRC)

Ray said of the eight new proposed code change amendments, two are conflicting. That was the intent of the TAG, because #3 and #10 on page 3 of the CR-102 reflect two differences of

opinion. If either of those amendments is accepted, the 2009 model code language relating to fire sprinklers reverts to the 2006 code language. For example, a two-hour fire resistance wall would revert to one-hour.

Except for positive comments about the fire separation distance, comments at the public hearings all related to residential fire sprinkler systems. Tien Peng said the issue of striking Chapter 11 was deferred, because it's energy-related. Tim added that testimony was received from Chuck Day on structural Chapters 4 and 6, relating to braced walls and foundation footing. He asked members to review Chuck's comments.

Uniform Plumbing Code (UPC)

Dale Wentworth called attention to a proposal that reduces the space in front of water closets from 24 inches to 21 inches. He said the TAG rejected that proposal, feeling it's in the best interests of the public to retain the current larger space, since people are getting larger rather than smaller. The proposal was remanded to the Residential Code TAG, since the IRC prevails over UPC provisions, for further review. Dale said concerns were raised about grab bars and dispensers, reduced shower compartment size, and safety. In response to Tien, Dale said he'll propose an amendment on this issue.

Waterless Urinals

Dale said retrofitting a traditional urinal can be problematic because the water may not be there. To fix such problems, the UPC contains provisions in Section 402.3.1 to require roughed in water behind waterless urinals.

One objection to the proposal is that if a waterless urinal is removed and water hasn't been roughed in, it's substantially more expensive to rough in the water in a retrofit situation. Dale said he knows of three retrofit locations. He said waterless urinals haven't proven themselves cost-effective yet.

Horizontal Wet Venting

Dale said another proposal amends Section 908.2.1, regarding horizontal wet venting. In that proposal, a sentence is removed about water closets connecting downstream of other fixtures. Angie asked what that sentence says. Dale responded, "Water closet fixture drain or trap arm connection to a wet vent shall be downstream of any fixture, drain or trap arm connection." He

said if the drain is the furthest upstream fixture, there will be problems with buildup in the pipe, with subsequent clogging, etc.

Washington State Energy Code (WSEC)

Peter said Kristyn Clayton, Chair of the Energy Code TAG, was unable to attend today's meeting.

Tim said a significant amount of testimony was received on the WSEC. He said there were approximately 172 proposals submitted, in response to the Governor's request to increase building energy use efficiency by 30 percent. Of those 172, the Energy Code TAG recommended almost 100 for approval. About half were recommended for approval "as submitted;" the other half were recommended for approval "as amended."

A letter was received from the prime sponsors of SB 5854 regarding whether or not that legislation conflicts with the Council process for adoption of the energy code. Tim said the letter supports moving forward with the WSEC at this time. Specifically the letter says the Legislature did not intend to interfere with the 2009/2010 energy code or to freeze the energy code until 2013. Representative Dammeier, while appreciating the letter from SB 5854 sponsors, noted that the form of legislation as it passes a house represents much more than the will of prime sponsors.

Representative Dammeier asked why the WSEC is being substantially amended now when it will be obsolete in 2012 when the Council moves to the International Energy Conservation Code (IECC). Angie responded that Washington is trying to reach a goal, a 30 percent energy efficiency increase as recommended by the Governor. She said if the Council sits idly by, that goal won't be achieved. Tom added that most Council members recognize that the model code needs amendment to achieve equivalent stringency with the WSEC.

Tim said the 2012 edition of the IECC is supposed to be published in April 2011. He said significant testimony was received about moving from the WSEC to the IECC. Included in today's handouts is a cross-reference table comparing the two codes.

Tim called attention to cost data submitted by Chuck Day, Adair Homes, for one- and two-family residential dwellings. Chuck estimates \$14-27,000 for implementation of proposed energy code changes. Tim suggested Council members review Don Brubeck's testimony on behalf of the American Institute of Architects. Don proposes a couple of changes. Another good piece of testimony to examine is a letter from the Department of Commerce's Energy Policy Division. Chuck Murray testified about the latter at the Economic and Regulatory Assessment Committee meeting last Friday.

Tim said the elevator inspectors for the Department of Labor and Industries and for the City of Seattle both expressed safety concerns about a proposed revision to Section 1552. This proposal, installing an occupant sensor on escalators, may cause escalators to stop when not in use. Ray Allshouse encouraged Council members to read the City of Seattle letter. Tim said he's been told that L&I permits about eight escalators a year. L&I and Seattle propose a different device that slows down but doesn't stop escalators.

The next piece of testimony is a letter from Pat McBride and Diane Glenn, representing the Master Builders Association, which raises a number of concerns about the WSEC. Angie asked if the testimony is organized by date received. Tim answered that it's basically alphabetical.

Tim said the next testimony is a spreadsheet cross referencing the WSEC and model code, prepared by Patrick Hayes, Diane Glenn and Kraig Stevenson. There are also two letters from Patrick Hayes, a member of the Energy Code TAG, and Diane Glenn that voice concerns about the economic report.

Next is written testimony from the Concrete Masonry Association (CMA) about requiring continuous insulation on concrete masonry units of block walls. The proposal also requires framing or sheathing on the exterior or interior of the concrete block wall. The CMA submitted cost data and information about currently allowed alternatives. Tim said testimony was received that 70 percent of projects currently use insulation, which is required by a national standard.

Tim called attention to a letter from Mike Kennedy about Reference Standard 29. Mike is concerned about the complexity and expense of such modeling. His opinion is that significant amendment is required.

The Lighting Design Lab gave their overall support, despite recommending some specific amendments.

Comments were received from the Master Builders, addressing such things as additional requirements of Chapter 9, envelope requirements and air leakage in one-and two-dwelling units and townhouses.

Tim referred to a letter from Joe Andre, NEMA, about procedural issues. He expressed concern about TAG action on an amendment requiring that 50 percent of residential light fixtures be fluorescent.

Tim said a number of lighting design firms signed a minority report. He encouraged members to review that report. In it, the firms listed projects in various categories, with energy-efficient

lighting used, lighting power allowances met and their suggested modification for the proposed rule. While not in the handout packet, the table is posted on the Council's website.

Tim referred to a letter from BIAW about preemption. One of the options under Chapter 9, additional requirements, is to go with a high-efficiency heat pump that exceeds the federal minimum. There is a preemption clause in the federal law, which has been in effect for 20 years or so. One of the questions about Chapter 9 is if it violates federal statute. Jon suggested getting an opinion from the Attorney General's Office about this legal question. Sandra said she will pursue that question.

Other testimony suggested focusing on existing rather than new buildings. It also discussed a preemption on high-efficiency equipment and renewable energy credits.

Ray said residential builders raised the point at an economic meeting that they compete, in the affordable housing market, with manufactured housing, which only has to comply with HUD standards that haven't changed for years.

John Chelminiak asked for more information about masonry and insulation issues. He said the suggestion was made that they may be cost-prohibitive or may not be beneficial. Tom said the masonry industry had an amendment allowing them to build mass walls without adding insulation. Because the proposal deletes that ability, the masonry industry will have to add furring on the inside of mass walls. While the masonry industry acknowledges that doing so increases energy efficiency, it takes too long to recover the cost of adding that furring. Don Jordan commented that requiring masonry walls to be insulated, may change the use of buildings with those walls, such as gymnasiums.

Tom Young said because masonry walls are massive, high-density walls, they behave differently than light-weight walls behave, in terms of energy efficiency. He said the masonry industry has reviewed studies that indicate insulating masonry walls is not cost-effective. Many times the air conditioning load actually increases when the inside of a mass wall is insulated. Savings depends upon the geographical location within the state. He added that some buildings, less than the 70 percent previously mentioned, will chose to do insulation on their own.

Mari asked how the Council plans to proceed through energy code changes. Tim responded that progress will be similar to other codes, with a main motion of adopt or not to adopt followed by a secondary motion to amend. Movement through the code will be section to section. Angie asked how to proceed in an efficient manner, given the quantity of energy code changes.

Representative Dammeier said ranges of cost data are currently available. However he'd like to see projected energy savings correlated with each cost. Not all proposals will require the same

amount of debate. Kristyn has said there are 22 administrative changes. Approving or denying the energy code changes all or nothing isn't, in Bruce's opinion, reasonable. He requested a breakdown by major system, including energy savings achieved for each. Tom agreed, but he said it may be too late.

Tien said there is a baseline on the residential side, on page 313, that can be expanded. Angie said lots of data is already available, from the Northwest Power Planning Council and the Department of Energy for example. Unless the Council wants to open the cycle and put more studies on the record, she said it's possible to make minor changes and move what's presently on the record forward.

Representative Dammeier asked if interior light fixtures are pinned. Tien answered that they are not. Bruce then asked about the timing of the blower door test, if it's done when construction is complete. Don answered that it need not be. It can be done mid-construction. In the Yakima area, Don said the blower door test occurs after the house is erected, windows and doors are caulked, the ceiling is sheetrocked and the house is fully sealed. It was before insulation and interior sheetrock, except for the ceiling. Interior walls were taped.

INTERPRETATION

Tim said he's talked to the building official of the City of Leavenworth about the details of this interpretation request. It involves an existing, two-story building, with a full basement that's fully sprinklered. The two stories above grade are the issue. The main floor is divided into retail space and a smaller space used for a wine-tasting business. The spaces are separated by a one-hour fire wall. A second wine-tasting business is located within the larger retail business on the main floor of the first floor. Customers move freely between the retail space and the wine-tasting areas on the first floor.

Now the building owner is proposing to open a third wine-tasting area on the second floor of the building. The question is if the addition of the third wine-tasting area changes the occupancy classification of the building, triggering a sprinkler requirement for the entire building.

Presently the building is mixed use M/S-2, classified as retail. Tim's understanding is the building is in the process of transitioning from a retail to a wine-tasting business. He said, based on the information provided, it seems clear that the building would be an A-2, requiring sprinklers. Staff will review this interpretation request further. It will be on the agenda of the next Council meeting.

OTHER BUSINESS

John Cochran asked the status of the Sprinkler TAG report. Tim responded that it was submitted as testimony both at the TAG and at public hearings. Legislation has been proposed on the liability of water companies, which will be reintroduced next session. Ray added that other identified barriers still exist.

Tim recommended Council members check the Council website for code change testimony that was not included in handouts for this meeting. He said he'll soon be distributing an electronic copy of the form for making motions at the November 12 meeting. Members were encouraged to contact Council staff about any questions they may have about any of the code change proposals or assistance completing the motion form.

Tim said the agenda for the November 12 meeting, to be held at the SeaTac City Hall, will be posted on the Council website by Monday. Peter asked how long the Council has use of that facility. Tim said the meeting has to end enough in advance of 5 p.m. that there's time to clean up and exit the building by 5 p.m. Jon suggested starting at 9 a.m., to allow sufficient time for everything. Tien asked if he can call in to the meeting rather than attending in person.

Sandra Adix and Tim have been collaborating on a memorandum about the Open Public Meetings Act. If Council members have questions about that issue, please submit them to staff as much in advance of meetings as possible, so staff can distribute them to all members.

Angie asked the purpose of the response due date of November 19. Tim said the Administrative Procedures Act allows seven days from an adoption hearing for the Council to confirm its decisions. By November 19, the Council must send a letter to the Legislature about its decisions made on November 12.

Dale asked if amendments should be given to staff prior to the November 12 meeting. Tim suggested doing so. He asked, if amendments are hand-carried to the meeting, that members bring copies with them, because copies can't be made at SeaTac.

Angie asked if another meeting will be needed. Tim said it may be necessary. It's an option, but there's a short time frame.

ADJOURNMENT

Lacking further business, Peter adjourned the meeting at 3:45 p.m.